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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

PENSION TRUST FUND FOR OPERATING  
ENGINEERS; F.G. CROSTHWAITE and  
RUSSELL E. BURNS, as Trustees,

Plaintiffs,

vs.

TRACTOR EQUIPMENT SALES, INC., a  
California corporation, J.L. WHITE  
INTERNATIONAL, INC., a California  
corporation, TES ASSET MANAGEMENT  
AND CONSULTING GROUP, a California  
joint venture, and DOES 1-20

Defendants.

Case No.: C 12-01056 JSW

**REQUEST TO CONTINUE CASE  
MANAGEMENT CONFERENCE AND  
ALL RELATED DEADLINES;  
[PROPOSED] ORDER THEREON**

Date: June 22, 2012

Time: 1:30 p.m.

Courtroom 11, 19th Floor

Judge: The Honorable Jeffrey S. White

Plaintiffs herein respectfully request that the Case Management Conference currently on calendar for June 22, 2012, 1:30 p.m., and all related deadlines, including ADR deadlines, be continued for 60 days, in anticipation of Plaintiffs filing a Request for Entry of Default and/or amending the complaint to name new defendants.

1. Good Cause exists for the request: This action arises under the Employee Retirement Income Security Act of 1974 (“ERISA”), as amended by the Multiemployer Pension Plan Amendments Act of 1980 (29 U.S.C §§1001-1461 (1982)), to recover withdrawal liability amounts owed by Tractor Equipment Sales, Inc. and its controlled group members to Plaintiffs

1 Pension Trust Fund for Operating Engineers, F.G. Crosthwaite, and Russell E. Burns  
2 (“Plaintiffs”).

3 2. On March 1, 2012 Plaintiffs filed a Complaint in this matter.

4 3. Service was effectuated on Defendants Tractor Equipment Sales, Inc., a California  
5 corporation, J.L. White International, Inc., a California corporation, and TES Asset Management  
6 and Consulting Group, a California joint venture, by personal service on Jim White, authorized  
7 agent and/or officer for each Defendant on April 9, 2012. A proof of service was filed on April  
8 19, 2012 (Docket 10).

9 4. Defendant Tractor Equipment Sales, a California corporation, filed a Chapter 7  
10 Bankruptcy in the U.S. Bankruptcy Court, Northern District of California, on May 14, 2012.  
11 Plaintiffs will be filing a Notice of Automatic Stay as to this Defendant. However, Plaintiffs are  
12 trying to determine if any other Defendants are also affected by this bankruptcy.

13 5. As of the date of the filing of this request Defendants have failed to file a Response  
14 to the Complaint and the time to do so has expired.

15 6. Plaintiffs’ counsel has been contacted by Jim White, authorized agent for the  
16 named defendants, regarding the lawsuit. Mr. White has provided information that may lead to  
17 plaintiffs dismissing certain defendants and amending the complaint to add others. Plaintiffs will  
18 need additional time to investigate and verify the information provided by Mr. White and amend  
19 the complaint accordingly if needed, and/or take the non-responding defendants’ default if  
20 necessary.

21 7. Since no defendants have appeared in the action, there is no need to hold a Case  
22 Management Conference or elect an ADR procedure.

23  
24 Therefore, plaintiffs respectfully request that the Case Management Conference currently  
25 scheduled for June 22, 2012, and all of its associated deadlines, be continued for 60 days in  
26 anticipation of Plaintiffs filing a Request for Entry of Default and/or amending its complaint  
27 and/or dismissing certain defendants.

28 ///

1 I declare under penalty of perjury that I am the attorney for the Plaintiffs in the above  
2 entitled action, and that the foregoing is true of my own knowledge.

3 Executed this 29th day of May, 2012, at San Francisco, California.

4 SALTZMAN & JOHNSON LAW CORPORATION


5 By: \_\_\_\_\_/S/  
6 Julie A. Ostil  
7 Attorneys for Plaintiffs  
8

9 **ORDER**

10 IT IS SO ORDERED.

11 Based on the foregoing, and GOOD CAUSE APPEARING, the currently set Case  
12 Management Conference is hereby continued to August 24, 2012 at 1:30 p.m. All related  
13 deadlines, including ADR deadlines, are extended accordingly.

14  
15 Date: May 30, 2012 \_\_\_\_\_

16   
17 THE HONORABLE JEFFREY S. WHITE  
18 UNITED STATES DISTRICT JUDGE  
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**PROOF OF SERVICE**

I, the undersigned, declare:

I am a citizen of the United States and am employed in the County of San Francisco, State of California. I am over the age of eighteen and not a party to this action. My business address is 44 Montgomery Street, Suite 2110, San Francisco, California 94104.

On May 29, 2012, I served the following document(s):

**REQUEST TO CONTINUE CASE MANAGEMENT CONFERENCE AND ALL  
RELATED DEADLINES; [PROPOSED] ORDER THEREON**

on the interested parties to this action, in the manner described as follows, addressed as below:

XX **MAIL** by placing the envelope for collection and mailing on the date shown above following our ordinary business practices. Being readily familiar with this business's practice for collecting and processing correspondence for mailing, on the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed enveloped with postage fully prepaid.

Tractor Equipment Sales, Inc  
C/O Glenn Dagman, Agent for Service of  
Process  
705 Tully Road  
San Jose, CA 95111

J.L. White International, Inc.  
C/O Jim L. White, Agent for Service of Process  
705 Tully Road  
San Jose, CA 95111

TES Asset Management and Consulting Group  
C/O Jim L. White  
705 Tully Road  
San Jose, CA 95111

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on this 29th day of May, 2012, at San Francisco, California.

\_\_\_\_\_/S/\_\_\_\_\_  
Barbara Savino